

Tracy, Mary

From: OFFICE RECEPTIONIST, CLERK
Sent: Monday, December 01, 2014 8:15 AM
To: Tracy, Mary
Subject: FW: Comments to APR 28 and Appendix 28 and proposed amendments

And another...

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From: Leisa Bulick [mailto:lkb345@aol.com]
Sent: Saturday, November 29, 2014 1:35 PM
To: OFFICE RECEPTIONIST, CLERK
Subject: Comments to APR 28 and Appendix 28 and proposed amendments

Greetings:

Thank you for the opportunity to comment on the Suggested Amendments to the Admission and Practice Rules for LLLTs. I realize comments technically should only be on the suggested amendments, but I want to take this time to comment not only on the proposed amendments, but have included comments on other aspects of the APRs, simply for the benefit of the LLLT Board as they work through the LLLT concept. I have separately submitted comments on the proposed LLLT Rules of Professional Responsibility, and some of those comments impact the APRs.

I have 30 years experience as a Paralegal with certification as both a Registered Paralegal by the National Federation of Paralegal Associations, and as a Certified Legal Assistant by the National Association of Legal Assistants-Paralegals. A large portion of my work has involved the various family law areas, and I welcome the opportunity to be licensed to assist clients, using the skills I have acquired. I thank the Supreme Court and the LLLT Board for their initiative and hard work in formulating and administering the LLLT program.

APR 28F (8) - scope of practice authority -- I believe it would be appropriate to allow LLLTs to draft legal letters without the review and approval of a Washington lawyer.

APR 28G (1) regarding principal place of business needs to be clarified. Some LLLTs may want to work out of their home, but meet with clients in another location (keeping confidentiality issues in mind). These LLLTs may wish to have a separate post office address for their business matters. Some LLLTs will have an office dedicated to their business. I am not opposed to providing the LLLT Board and the WSBA with my home address for service of process in connection with regulatory matters, but for client related matters I would prefer to have a separate mailing address. It seems that APR 28G(1) could be reworded so the LLLT Board's intentions are clear.

APR 28G (3), should be amended to add the following underlined language (which is contained in the Lawyer RPC) to make it clear that LLLTs are permitted to meet with prospective clients, reach a mutually agreeable arrangement as to commencement of representation, and then sign a representation contract. LLLT RPC 1.5(b) would need to be amended accordingly. I propose the language read: "Prior to, or within a reasonable time after commencing performance of the services for a fee, the Limited License Legal Technician shall..."

APR 28G (5) – concerns the requirement that a document prepared by an LLLT shall include the LLLT's name, signature and license number beneath the signature of the client. This could be a bit confusing to the courts and other party regarding service of responsive documents. We do want the court and parties to know the LLLT is assisting the pro se party, but I suggest the format be a bit more like the following. This proposed language is from the Oregon State Court forms, and appears at the bottom of most if not all family law documents available on the Oregon Court website. The italicized language is mine, not from the Oregon form.

<p>Certificate of Document Preparation. You are required to truthfully complete this certificate regarding the document you are filing with the court. Check all boxes and complete all blanks that apply:</p> <p><input type="checkbox"/> I selected this document for myself and I completed it without paid assistance.</p> <p><input type="checkbox"/> I paid or will pay money to _____ (<i>LLLT name, signature, license number</i>) for assistance in preparing this form.</p> <p>Submitted by: <input type="checkbox"/> Petitioner <input type="checkbox"/> Respondent, Signature: ___ ___ Print Name: Address or Contact Address: City, State, Zip: Telephone or Contact Telephone:</p>

With regard to APR 28H (5) – it is my opinion that LLLTs should be able to attend court with pro se clients, in certain circumstances. Some clients will need that extra bit of assistance and some will not.

APR 28H (6) – it is my opinion that LLLTs should be allowed to negotiate on behalf of a client, and to communicate regarding a client's position. The clients we will be assisting may not be able to do these things on their own, and LLLTs should have the leeway if needed to assist with resolution of a case. LLLT RPC 4.3(b) would need to be amended to reflect this change.

APPENDIX – APR 28

Regulation 2 -- Practice Areas

Paragraph 3(c)(i) Prohibited Acts – I believe that LLLTs will be handicapped in their ability to assist clients effectively unless LLLTs are allowed to assist with division of real estate. We will be doing the clients a disservice unless we are able to assist with that aspect of their divorce.

Regulation 12 A. Insurance Requirement. I have no issue with providing professional liability insurance, but find it curious that attorneys in Washington are not required to do the same. I believe all members of the legal profession should carry professional liability insurance.

Regulation 17 C. Reinstatement after Voluntary Cancellation. In order to be reinstated, an LLLT who voluntarily cancels his or her license must reapply, pass the certifying examinations, and complete all other requirements for licensure pursuant to APR 28 and these Regulations.

Comment: If an LLLT applies for reinstatement after voluntary cancellation, it seems onerous to be required to re-pass the certifying examinations.

I appreciate the Board's review and consideration of my comments.

Sincerely,

Leisa Bulick